

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

U.S. TRUST COMPANY, N.A., in its
capacity as Plan Administrator and Trustee of
the Arthur D. Little, Inc Employees' MDT
Retirement Plan,

Plaintiff,

v.

KARL P. FAGANS, and GARY BECK,

Defendants.

Civil Action
No. 05-CV-10013 (WGY)

JOINT STATEMENT FOR LOCAL RULE 16.1 CONFERENCE

In accordance with Local Rule 16.1 (D), plaintiff U.S. Trust Company, N.A. ("U.S. Trust") and defendant Karl P. Fagans submit this Joint Statement in advance of the Local Rule 16.1 Conference scheduled for September 11, 2006.¹

I. JOINT DISCOVERY PLAN.

The parties do not believe that the facts of this case call for phased discovery and propose the following discovery schedule:

December 15, 2006: All fact discovery completed

January 12, 2007: Designation of any expert witnesses and related disclosures made

January 31, 2007: Any expert depositions completed

¹ Defendant Gary Beck has not appeared in the action and has been defaulted.

II. PROPOSED SCHEDULE FOR THE FILING OF MOTIONS.

December 1, 2006: Deadline for Filing any Rule 15, 17, and 19 Motions

March 16, 2007: Deadline for Filing of Rule 56 Motions

30 Days After Service of Rule 56 Motion Opposition to any Rule 56 Motion Filed

III. CERTIFICATIONS OF COUNSEL AND PARTIES.

Certifications pursuant to Local Rule 16.1(D)(3) have or will be filed separately by the parties.

IV. OTHER MATTERS.

A. Proposed Agenda for the September 11, 2006 Conference:

- i. Discussion of Proposed Discovery Plan and Pre-Trial Schedule
- ii. Discussion of any other matter of interest to the Court

B. Trial by Magistrate Judge

The parties have not consented to trial by a Magistrate Judge.

C. Settlement Proposal

In accordance with the Local Rule 16.1 (C), U.S. Trust has presented a written settlement proposal to Mr. Fagans and Mr. Fagans will be prepared to respond to the proposal at the Scheduling Conference.

U.S. TRUST COMPANY, N.A.

KARL P. FAGANS

By its Attorneys,

By his Attorneys,

/s/ Joseph F. Hardcastle
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Dated: September 5, 2006